

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-007-0007

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendant:

JICARILLA APACHE NATION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, Subfile No. CHCV-007-0007, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendant adjudicated by this order.
4. The agreed upon elements of the right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, Subfile CHCV-007-0007, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): 1241

Priority: June 7, 1918

Source of Water: RANCH 101 DITCH: Surface water of the Rio Chama.
RANCH 101 DITCH B: Surface water of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: RANCH 101 DITCH

Location: X= 1,544,358 feet **Y=** 2,126,566 feet

Ditch: RANCH 101 DITCH B

Location: X= 1,546,127 feet **Y=** 2,124,052 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Pt. Lot 19 Arlington Land Company's
Subdivision No. 4

Within the Tierra Amarilla Grant

	<u>30.3 acres</u>
Total	30.3 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-007-0007

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: 1890

Source of Water: CHAMA VALLEY DITCH NO. 3: Surface water of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: CHAMA VALLEY DITCH NO. 3

Location: X= 1,545,330 feet Y= 2,121,193 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of acreage:

Within the Tierra Amarilla Grant

	<u>33.1 acres</u>
Total	33.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCV-007-0007

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant has no surface rights in the Rio Chama Stream System, Village of Chama, Section 7, Subfile No. CHCV-007-0007, other than those set forth in this order and other orders entered by this Court in this cause.
6. The entry of this order shall have no effect upon Defendant's claims or water rights of Defendant associated with unlicensed impoundments or domestic uses of water in the Rio Chama Stream System, Village of Chama, Section 7. This order is limited to Defendant's surface rights for irrigation in the Rio Chama Stream System, Village of

Chama, Section 7 under Subfile CHCV-007-0007.

7. Defendant, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein and in other orders of the Court.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

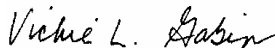
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, for irrigation under Subfile CHCV-007-0007, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:



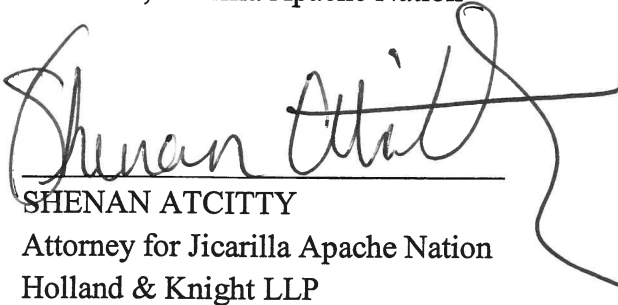
VICKIE L. GABIN
SPECIAL MASTER

Accepted:



LEVI PESATA

President, Jicarilla Apache Nation



SHENAN ATCITY

Attorney for Jicarilla Apache Nation

Holland & Knight LLP

2309 Renard, Suite 200

Albuquerque, NM 87106



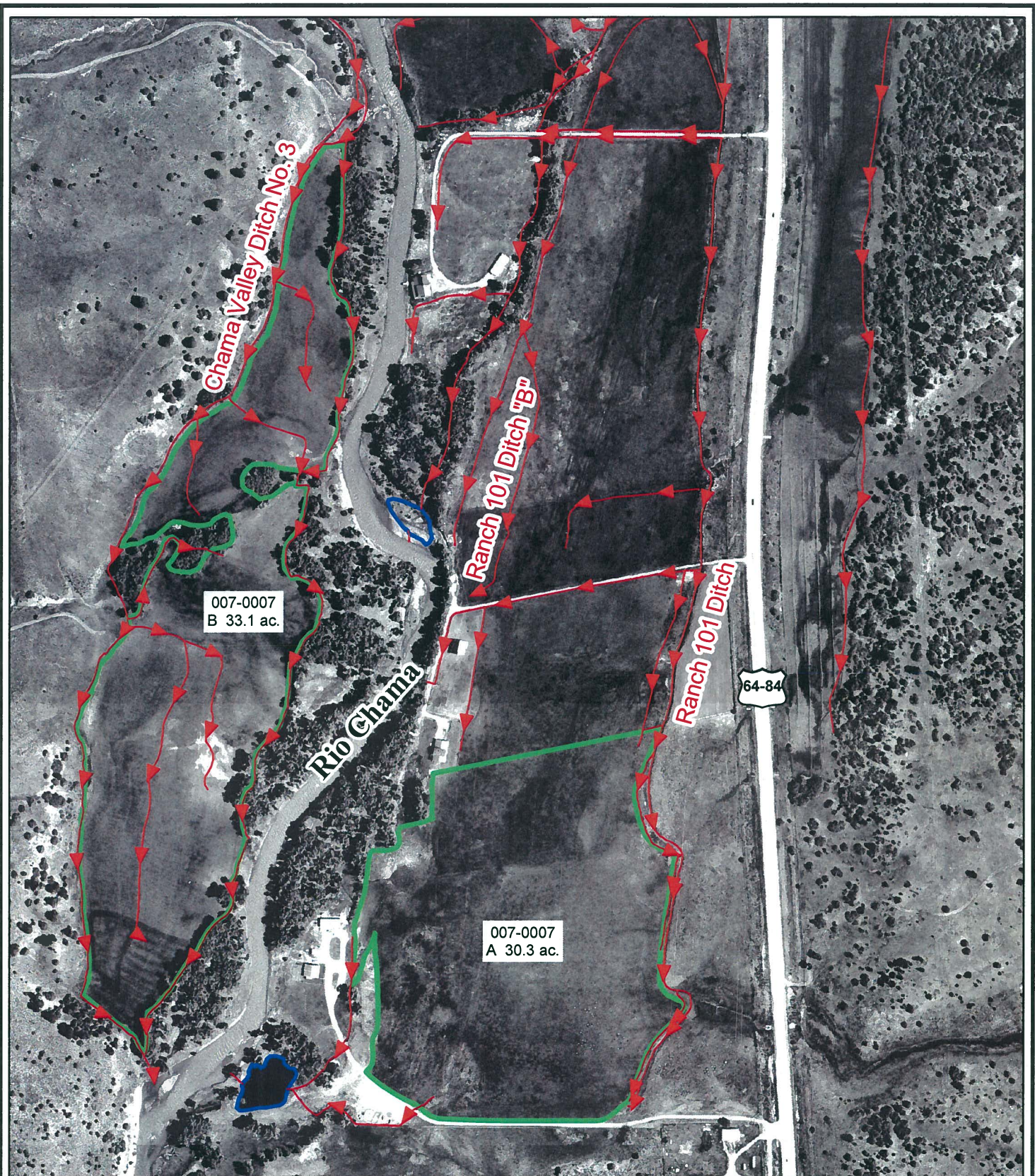
EDWARD G. NEWVILLE

Special Assistant Attorney General

Office of the State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102



LEGEND

- | | |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Fallow |
| Seeped Land | No Right |
| Operable Ditch / Lateral | |
| Pipeline | |
| Reservoir / Stock Pond | |



1 inch = 500 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Village of Chama Section

Subfile Number
CHCV 007-0007
Ranch 101 Ditch &
Ranch 101 Ditch "B" &
Chama Valley Ditch No. 3
AMENDED March 11, 2008

